

# Meeting Minutes

## July 1, 2004

### Town of Los Altos Hills

#### City Council Regular Meeting

Thursday, July 1, 2004 6:00 P.M.

Bullis School Multi-Purpose Room, 25890 Fremont Road

#### 1. CALL TO ORDER, ROLL CALL, AND PLEDGE OF ALLEGIANCE

Mayor O'Malley called the Regular Meeting of the City Council to order at 6:00 p.m. in the Bullis School Multi-Purpose Room at Town Hall Temporary Offices.

Present: Mayor Mike O'Malley, Councilmember Emily Cheng, Councilmember Bob Fenwick, and Councilmember Dean Warshawsky

Absent: Mayor Pro Tem Breene Kerr

Staff: City Manager Maureen Cassingham, City Attorney Steve Mattas, Planning Director Carl Cahill, Acting City Engineer/Director of Public Works Dave Ross, Administrative Services Director Sarah Joiner and City Clerk Karen Jost

MOTION SECONDED AND CARRIED: Moved by Warshawsky, seconded by Cheng and passed unanimously to limit the length of time for public comments to three minutes.

#### 2. APPOINTMENTS AND PRESENTATIONS

##### 2.1 Appointment of Alternate Representative to Santa Clara County Library District Joint Powers Authority Board

Councilmember Cheng explained that the Santa Clara County Library District Joint Powers Authority Board is expected to schedule meetings in August and September to review and approve their budget and operations after the State's Fiscal Year budget is adopted and its impact on libraries is known. Due to scheduling conflicts, Councilmember Cheng may not be able to attend these important meetings and is requesting that a Councilmember serve as an alternate to represent the Town during these discussions.

Councilmember Fenwick volunteered to act as an alternate to the Library Joint Powers Advisory Board if Councilmember Cheng is unable to attend any of the meetings.

#### 3. PLANNING COMMISSION REPORT

Planning Director Cahill reported that the Planning Commission had not met since the last City Council Meeting.

Cahill reported out to Council on a meeting that Town staff had with Pinewood School representatives regarding the purchase of the Winbigler property and their plans for the

property. Pinewood School will be pursuing a General Plan amendment to re-designate the property for institutional use as a private school. Cahill noted that the applicants were given direction on the process. Cahill added that at the meeting, Pinewood School officials agreed to an August 1, 2004 deadline to present a corrective action plan for code violations that exist on the property.

Mayor O'Malley clarified that staff has direction to move forward if an acceptable plan is not received by the August 1<sup>st</sup> deadline. It will not be necessary to wait for Council direction at the August 19<sup>th</sup> Council meeting.

City Attorney Steve Mattas concurred, noting that staff had commenced action prior to the exchange of ownership of the property.

#### 4. CONSENT CALENDAR

Item Removed: Item 4.1 (Warshawsky)

MOTION SECONDED AND CARRIED: Moved by Fenwick, seconded by Cheng and passed unanimously, to approve the remainder of the consent calendar, specifically

- 4.2 Review of Disbursements: 06/10/2004 – 06/23/2004 \$381,815.69
- 4.3 Dedication of Right-Of-Way; Lands of Kita, 24931 Oneonta Drive  
Resolution #38-04
- 4.4 Approval of a Lot Line Adjustment: Lands of Nicholson and Yang,  
Magdalena Road (336-42-021) and 11639 Dawson Drive (44-04-LLA)
- 4.5 Notification of Fast Track Approval: Request for a Site Development  
Permit for a 1,184 square foot addition (maximum vertical height 23 feet);  
Lands of Saxena, 24390 Summerhill Avenue (53-04-ZP-SD-GD)
- 4.6 Adoption of a Resolution Authorizing the Filing of an Application with the  
Santa Clara Valley Transportation Authority for Federal Surface  
Transportation Program Funding for the Page Mill Road Pavement  
Rehabilitation Project and Committing the Necessary Non-Federal Match for  
the Project and Stating the Assurance of the Town of Los Altos Hills to  
Complete the Project – Resolution #39-04
- 4.7 Letter of Support for Exemption of Libraries from Further Property Tax Shifts  
as Proposed in the Governor's Local Government Finance Reform Package
- 4.8 Approval of an Agreement with Du-All Safety, LLC for the Town's Safety  
Program Resolution – Resolution #40-04
- 4.9 Award of Bid for Consulting Services for Traffic Impact Fee Study to Matrix  
Consulting Group and Approval of Appropriation – Resolution #41-04
- 4.10 Approval of Agreement for Information Technology Support Services –  
Resolution #42-04

Item Removed:

#### 4.1 Approval of Minutes: Special City Council Meeting June 16, 2004

Councilmember Warshawsky explained that he wished to clarify his comments on page five, paragraph four, first sentence of the meeting minutes. He wanted to expand on the statement “new paths” and have the record state that the Pathways Committee is “only recommending new paths at locations where future easements may be secured or make sense”. Warshawsky added that it is important that it be clearly understood that new paths are not being added to the map, but that the map will reflect “suggested future paths that will be considered as properties are developed”.

Mayor O’Malley noted that page five, paragraph five should read; “and 2) an accurate **off-road** pathways map that can be used by citizens...”

City Attorney Steve Mattas explained that the City Clerk can be directed to verify what was said at the previous meeting and make the appropriate corrections. If no correction is indicated, these minutes would reflect the Councilmembers’ clarifications.

**MOTION SECONDED AND CARRIED:** Moved by Warshawsky, seconded by Cheng and passed unanimously to approve the minutes as presented with the corrections subject to review by the City Clerk.

Following further review, the minutes of the June 16, 2004 Special City Council meeting were corrected to reflect the additional language requested by Mayor O’Malley. The clarification requested by Councilmember Warshawsky is duly noted in the July 1, 2004 City Council Meeting Minutes.

### 5. UNFINISHED BUSINESS

#### 5.1 Town Goals

##### 5.1.1 Complete Town Hall On Time and On Budget

##### 5.1.1a TBI Update

Council had before them a project status report from TBI Construction. Re-bid packages will be reviewed and presented to the New Town Hall Committee at their July 14, 2004 meeting and forwarded to Council for consideration at their July 15, 2004 meeting. O’Malley noted that the TBI memo did not reflect any project financial impacts.

##### 5.1.2 Identify and Fund Underground Project

Councilmember Warshawsky reported that the Subcommittee is in the process of scheduling a meeting with PG&E to discuss Rule 20A funding. He noted that residents are contacting the Subcommittee with suggestions that their street be included for consideration in the review process for the location of the undergrounding pilot program.

##### 5.1.3 Complete Master Pathway Map

The draft Path Map will be presented to Council at the July 15, 2004 regular City Council Meeting.

## 5.2 Nolte Associates Storm Drainage Master Plan Status Report

Acting City Engineer David Ross provided Council with a supplement to the Nolte Associates Storm Drainage Master Plan. He noted that three additional drainage projects located on Page Mill and Natoma Road had been added to the report. The supplement included supplementary maps that show the Town's five drainage areas and how drainage flows in these five areas in Town. Ross added that a Draft Drainage Ordinance will be presented to Council for their review at their July 15, 2004 meeting and the draft Drainage Master Plan report from Nolte Associates will follow.

## 5.3 Discussion of a Proposed Bullis Playing Fields Lease

City Manager Cassingham reported that the City Council, based upon the recommendation of the Parks and Recreation Committee, authorized Councilmember Cheng and herself to negotiate with the Los Altos School District for a lease for the Bullis School playing fields. The Committee had recommended minimal Town investment at this time and supported renovation of the middle field at a cost of \$5300 and \$750 per month for maintenance and irrigation. Cassingham explained that discussions were held with School Board members in March, 2004 and a draft lease agreement was circulated twice for input. The District, after the second review of the draft lease, has indicated that they would like to see a more substantial investment from the Town in the fields and have suggested improvements of approximately \$200,000. The School District's latest position was conveyed to the Town's Parks and Recreation Committee and considered by them at their June 16, 2004 meeting. The Committee concluded that with the uncertainty of the future of Bullis School as a public venue, they did not recommend investing more than the nominal investment they originally recommended to Council.

Cassingham explained that the item is before Council for further direction and Council consideration on the amount of funding they would like to invest in the playing fields.

Council briefly discussed the initial negotiations for the playing fields that had included Councilmembers Kerr and Warshawsky. Warshawsky explained that the early discussions were primarily focused on whether the District was open to leasing the playing fields.

Following discussion, Council concurred with the recommendation offered by the Parks and Recreation Committee that the Town limit their investment to the original proposal and directed Cassingham and Councilmember Cheng to move forward with discussions with the School District for lease of the Bullis playing fields.

## 6. NEW BUSINESS

None

7. REPORTS FROM COMMITTEES, SUB-COMMITTEES, AND COUNCILMEMBERS ON OUTSIDE AGENCIES

Duffy Price, Community Relations Committee member, presented Council with a press release for their approval and an event program and schedule for the Ground Breaking Ceremony for the new Town Hall. The event is scheduled for July 15, 2004 at 4:30 pm. She reported that Wei Wei Liu, Youth Commissioner, is chairing the ceremony under the banner "Los Altos Hills Looks to the Future."

Council reviewed the press release and approved it for distribution to the media. They thanked Price for her efforts.

Price reported that approximately \$60,000 has been received from the sale of tiles and donations for the donor wall. She thanked staff for their support with this project. Price would like to see participation from 50% of the Town's residents.

7.1 Request for Funds for a Town Survey on Public Education Conducted by Godbe Research – Public Education Committee Chair, Steve Hubbell

Steve Hubbell, Public Education Committee Chair, addressed Council. He explained that upon review of the public education survey that had been conducted by their committee, there was some concern that it was flawed and not a random solicitation. In the proposal before Council this evening, the Committee is requesting funds to hire a professional to conduct a survey that would eliminate any apparent bias. Hubbell explained that they had interviewed two firms and chosen Godbe Research to perform a statistically rigorous survey. The Committee will provide the topic material for the telephone survey which will be conducted by the professionals.

Mayor O'Malley requested clarification on how the survey would be conducted to ensure a representative sampling of the Town. O'Malley noted that the Council would be interested in reviewing the survey questions and methodology of the survey before it is conducted.

Kathleen Justice-Moore, Public Education Committee, responded that she had discussed the issue of demographics with the survey companies that had been interviewed for the project. The survey would be conducted by cluster sampling with the Town divided into demographic groups. Each representative sample (cluster) would be contacted until the complete sample number had completed the survey. The Committee is seeking a statistically relevant sample of the Town. They will provide the focus groups to Godbe Research to ensure that all geographic areas, including the Magdalena area and southern part of Town, are represented.

OPENED PUBLIC COMMENT

Jim Abraham, Viscaino Road, commented that he supported the Public Education Committee's request to hire a professional to conduct the education survey. It will help to "clear the air" and give clear direction on public input on this issue. Abraham

suggested that the Committee consider having Godbe use geographic boundaries versus voter precincts for their calling methodology.

Duffy Price, Anacapa Drive, noted that her experience with Godbe Research as a member of the Undergrounding Subcommittee had been very positive. She supported the Public Education Committee's request for funding and added that the survey had been very helpful in guiding the Undergrounding Subcommittee in moving forward with their project.

John Harpotlian, Anacapa Drive, stated that he has been impressed with Godbe Research and their ability to assist the Undergrounding Subcommittee in framing questions and their methodology in conducting the telephone surveys. He noted that it was most likely that the Council would be happy with the survey product, however, he would like to suggest that the money could be better spent on a less costly educational pamphlet that could better inform the Town residents on education in Los Altos Hills. He noted this was a very complex issue and Council could revisit the survey after the residents were knowledgeable on the issue.

#### CLOSED PUBLIC COMMENT

Councilmember Warshawsky explained that the survey process had been a very beneficial tool for the Undergrounding Subcommittee. The survey responses and findings had redirected their efforts when it was clear that a ballot measure would not have been successful. A survey is especially of value when an issue will eventually go to the voters. Godbe will provide an unbiased perspective and the survey results will present a better understanding of how residents feel about education in Los Altos Hills. Warshawsky said that an unresolved issue is what group the survey should focus on: voters or non-voters. He added that this would be a good question for the Committee to ask Godbe, noting that many non-voters have an opinion on this issue.

Councilmember Cheng concurred that a professionally conducted survey would be beneficial. The last survey gave the appearance of being biased. Cheng added that it is important how the questions are phrased and would like to have input from residents who are not involved with the public education issue.

Councilmember Fenwick explained that it had been easy for Godbe to construct questions for the Undergrounding survey but the education survey presents a more complicated task. He added his support for the survey but agreed that Council should be provided a sample of the questions for review before the survey is conducted.

Mayor O'Malley concurred with Council. He thanked the Public Education Committee for their admirable efforts. O'Malley supported their request for funding for the survey, explaining that this will be a way to ensure that all geographical areas of the Town are reached and would include residents who had not participated in the earlier survey. He felt confident that Godbe could meet the demographic requirements and would develop a fair survey and with Council's review, he felt comfortable with this approach.

MOTION SECONDED AND CARRIED: moved by Warshawsky, seconded by Fenwick and passed by the following roll call vote to approve an agreement with Godbe Research to perform a public education survey for a not-to-exceed amount of \$13,000.

AYES: Mayor O'Malley, Councilmember Cheng, Councilmember Fenwick and Councilmember Warshawsky  
NOES: None  
ABSENT: Mayor Pro Tem Kerr  
ABSTAIN: None

## 8. STAFF REPORTS

8.1 City Manager

8.2 City Attorney

8.3 City Clerk

8.3.1 Report on Council Correspondence

## 9. COUNCIL-INITIATED ITEMS

9.1 Consideration of Application for At-Large Seat – League of California Cities Board of Directors – Councilmember Cheng

Councilmember Cheng explained that she had moved this item forward for Council consideration. She noted that this was an opportunity for the Town to participate and be represented at the State level of the League of California Cities.

City Manager Cassingham explained the nomination process for the At-Large Seat. If selected, the term is for two years and the Councilmember must make a commitment to attend the quarterly meetings that are scheduled throughout the state. Trip expenses are reimbursed by the League. Cassingham added that the coming year will be a critical time for the financial future of California cities and this would be an historic and timely appointment.

Following a brief Council Discussion, it was agreed that Councilmembers Warshawsky and Kerr, would be the appropriate nominees and Council would support either candidate. Warshawsky agreed to discuss the nomination with Councilmember Kerr. Cassingham advised Council that the deadline for submittal of a nomination for the At-Large Board position is July 14, 2004 at the close of business day.

## 10. PRESENTATIONS FROM THE FLOOR

Les Earnest, Dianne Drive, addressed Council. He suggested that they consider establishing a task force to review emergency access roads. He distributed a memo that outlined his concerns and recommendations. Earnest noted that there are two basic

problems he believes should be reviewed: 1) some neighborhoods don't have emergency access roads but should, and; 2) many of those that do, have locked gates and would be blocked in a real emergency.

Council directed the staff to investigate and report on the issue for informational purposes at the August 19, 2004 meeting.

Carl Moyer, Campo Vista Lane resident for 35 years, voiced his opposition to the proposal of Pinewood School to develop the Winbigler property as a school campus. His reasons for opposing the project included: the development is unnecessary and counter to the theme of which Los Altos Hills was founded-rural and residential; there are available public schools sites existing in Los Altos Hills; the majority of the students who attend the private school are from other communities and the development will not provide any revenue or benefits to the residents of Los Altos Hills and the development would have an adverse relationship on property values. He concluded that there was no valid reason for the Town to permit this proposed development.

Mayor O'Malley explained the public hearing process for the proposed project for the benefit of Mr. Moyer. He noted that residents within 500 feet would all be notified of the public hearings before the Planning Commission and any subsequent public hearings.

Council discussed the appropriateness of increasing the notification boundaries for this project at the time of the application. Planning Director Cahill noted that this could be adjusted.

Sue Sullivan, Campo Vista Lane, summarized for Council her opposition to the Pinewood School proposal to build their middle-high school on the Winbigler/Campbell-Ligeti property. She presented a brief overview of the presentation made by the project architect and project manager to the neighbors at a "courtesy meeting". The proposed project had buildings of 70,000 square feet. She expressed her concern about statements that were made at the meeting "that as an institution they will not be required to meet the same standards as a home builder."

Marilyn Moyer, Campo Vista Lane, explained that if the proposed school were permitted, residents on Campo Vista Lane would have a school in their front yard and a school in their back yard. She is very concerned about safety with the possible additional traffic on the "s" curve on Fremont Road and the impact the development would have on property values.

Kathy Evans, La Loma Drive, expressed her belief that the Town needs more public schools not a private school. She suggested that Council consider a ratio of two (2) or three (3) public schools to one (1) private school.

John Sullivan, Campo Vista Lane, reported that Scott Riches, President Pinewood School had hosted a meeting with neighbors of the proposed development to garner their input on the project. Sullivan noted that every neighbor attending was unalterably opposed and suggested that the project be stopped before it becomes a contentious issue. He commented that this was prime real estate and would be more appropriate for a residential development.



Ken Kwan, Campo Vista Lane, asked Council to be compassionate and consider his distress when he learned that a school might be built on the Winbigler property. He believes the basis for choosing this site, "it was available" is not valid and unjustifiable.

Peter Mork, Campo Vista Lane, explained that the residents on Campo Vista Lane are unanimously opposed to the development being proposed by Pinewood School. Mork requested clarification of the application process.

City Attorney Steve Mattas explained that the applicants would be required to apply for all necessary land use entitlements, which at a minimum, would require a conditional use permit and possibly a general plan amendment. Once the complete application is filed, an environmental document would be prepared and available for public review and comment. Mattas added that public hearings would be scheduled before the Planning Commission and potentially before the City Council, with the scope of the noticing possibly being broadened as directed by the Council. Residents would have opportunities to express their concerns during this lengthy review process.

Mork asked if the conditions of approval that had been placed on the Campbell-Ligeti project would be applicable to this proposal and questioned if the Campbell-Ligeti files were accessible to the public.

Mattas explained that the proposed school was a new application and new entitlement. Campbell-Ligeti files are available for review by the public.

Scott Riches, Pinewood School, commented that the neighbors' response to the proposed school are very premature. The plans that were presented at the neighborhood meeting are in the conceptual stage and they have yet to submit an application. He is very sensitive to the concerns of the neighbors.

Jill Jensen, Purissima Road, asked Council to be assured that when this project goes before the Planning Commission, that the Commission is unbiased and no member has profited financially from the property.

## 11. PUBLIC HEARINGS

### 11.1 Appeal of the Planning Commission's Approval of a Request for a Site Development Permit Condition of Approval Modification; Lands of Pinewood School and Palo Alto School District, 26800 Fremont Road (76-04-PM)

Planning Director Carl Cahill introduced this item to Council. He explained that Councilmember Kerr had appealed the Planning Commission's approval of the amendment to the Site Development Permit that had accepted a proposed License Agreement in lieu of a pathway easement that would allow public access to an existing pathway. Councilmember Kerr requested that Condition #10 be amended to ensure continued public access to the path in the event that Pinewood School left the site and the artificial turf field remained on the property. Cahill added that the revised condition addresses this issue and the pathway license agreement would continue to apply to the

property owner and any future tenants if they want to keep the artificial turf field in place.

#### OPENED PUBLIC HEARING

Scott Riches, applicant, Pinewood School, addressed Council. He explained that he and his attorney had worked with City Attorney Steve Mattas to develop the license agreement. Riches added that he understands the value of the easement and noted that Pinewood rents the property - they are not the property owners.

#### CLOSED PUBLIC HEARING

Councilmember Fenwick noted that there was no public opposition to the revised condition and he was in favor of approval. Council concurred.

MOTION SECONDED AND CARRIED: Moved by Warshawsky, seconded by Cheng and passed unanimously to approve the applicant's request to amend the Site Development Permit and adopt the License Agreement, subject to the recommended modification to condition #10.

MOTION SECONDED AND CARRIED: Moved by Cheng, seconded by Warshawsky and passed unanimously to adjourn the meeting to the Closed Session at 7:30 pm.

#### 12. CLOSED SESSION

CLOSED SESSION: CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION: Government Code Section 54956.9(a): Campbell and Ligeti v. Town of Los Altos Hills

The City Council reconvened to the Regular City Council Meeting at 7:43 p.m.  
No action was taken

#### 13. ADJOURNMENT

There being no further business, the Regular City Council Meeting was adjourned at 7:44 pm.

Respectfully submitted,

Karen Jost, City Clerk

The minutes of the July 1, 2004 Regular City Council Meeting were approved as presented at the July 15, 2004 Regular City Council Meeting.